IN THE SUPREME COURT OF THE UNITED STATES

No. 25A____

KAHOOT! AS,
Applicant,

v.

INTERSTELLAR INC.; JOHN A. SQUIRES, UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE,
Respondents.

APPLICATION FOR AN EXTENSION OF TIME IN WHICH TO FILE A PETITION FOR A WRIT OF CERTIORARI TO THE U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT

To the Honorable John G. Roberts, Jr., Chief Justice of the United States and Circuit Justice for the Federal Circuit:

Pursuant to 28 U.S.C. § 2101(c) and this Court's Rule 13.5, Applicant Kahoot! AS* respectfully requests a 60-day extension of time, to and including July 25, 2026, within which to file a petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the Federal Circuit in *In re Kahoot! AS*, No. 2026-

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* Pursuant to this Court's Rule 29.6, Applicant Kahoot! AS states that it is wholly owned by Kangaroo HoldCo AS. No publicly held corporation owns 10% or more of Kahoot! AS's stock.

119. The court of appeals entered its order on February 25, 2026. No petition for rehearing was filed, and no prior application for an extension of time has been made. The petition for a writ of certiorari is currently due May 26, 2026. Under this Court's Rule 13.5, this application is being filed on May 15, 2026, at least 10 days before that deadline. This Court has jurisdiction under 28 U.S.C. § 1254(1). A copy of the court of appeals' order is attached as Exhibit A. A copy of the United States Patent and Trademark Office's ("PTO") order denying Director Review is attached as Exhibit B. A copy of the PTO's decision denying institution is attached as Exhibit C.

There is good cause for an extension. Applicant requires additional time to evaluate whether to seek review in light of overlapping issues presented in a recently filed petition for a writ of certiorari in *Google LLC v. VirtaMove Corp.*, No. 25-1230. Applicant also requires time to assess related developments bearing on whether a petition is warranted, including Applicant's pending request for *ex parte* reexamination of the patent at issue. An extension is in any event warranted in light of conflicting professional obligations of Applicant's counsel.

1. This case arises from an *inter partes* review ("IPR") proceeding involving Interstellar Inc.'s U.S. Patent No. 10,339,825 (the "'825 patent"). Interstellar has asserted the '825 patent against Applicant Kahoot! AS and Kahoot! EDU, Inc. in *Interstellar Inc. v. Kahoot! EDU, Inc.*, No. 1:24-cv-00727-ADA,

pending in the United States District Court for the Western District of Texas. That district court action is stayed.

Applicant filed an IPR petition challenging the asserted claims of the ’825 patent. On July 31, 2025, the Director of the PTO granted Interstellar’s request for discretionary denial and denied institution. The Director reasoned that the challenged patent “has been in force for over six years, creating strong settled expectations,” and that Applicant had failed to show that IPR would be “an appropriate use of Board resources under these circumstances.” The petition was denied under 35 U.S.C. § 314(a), and no trial was instituted. Applicant sought Director Review, which was denied on November 5, 2025.

2. Applicant then filed a petition for a writ of mandamus in the Federal Circuit, arguing that the Director exceeded statutory authority by denying institution based on purported “settled expectations” arising from patent age, and that the Director’s reliance on that rationale was reviewable notwithstanding 35 U.S.C. § 314(d). Applicant argued that the IPR statute contains no upper patent-age limit for challenging patents, and that the Director’s contrary approach created an extra-statutory limitation on access to IPR.

The Federal Circuit denied mandamus relief. The court acknowledged that the Director denied institution based on the patent having been in force for over six years at the time of the denial (but less than six years at the time of petition) and the "strong settled expectations" that purportedly resulted from the age of the patent. The court nevertheless held that Applicant had not shown a clear and indisputable right to relief. The court reasoned that institution decisions are committed to the Director's discretion and made "final and nonappealable" by § 314(d), and that mandamus is ordinarily unavailable to review such decisions absent a colorable constitutional claim. The court further held that Applicant's argument that reliance on "settled expectations" exceeded the Director's statutory authority did not provide a basis for mandamus relief.

3. Applicant is evaluating whether to seek this Court's review of important questions concerning the PTO's authority to deny IPR institution based on "settled expectations" arising from a patent's age and the availability of judicial review when a petitioner contends that the PTO has exceeded its statutory authority. Those issues substantially overlap with the questions presented in *Google LLC v. VirtaMove Corp.*, No. 25-1230, a recently filed petition for a writ of certiorari from a Federal Circuit mandamus decision involving the same PTO practice. Google's petition asks whether the PTO lacks statutory authority to deny institution based on "settled expectations" where the patent statutes allow administrative review during the life of a patent, and whether courts may review a PTO decision denying IPR on grounds contrary to statute.

The requested extension will provide sufficient time for Applicant and counsel to evaluate the relationship between this case and *Google*, determine whether Applicant should file its own petition, complete any additional research necessary to address the reviewability and other potential statutory issues, and prepare a petition if warranted.

4. Additional time is also warranted because related proceedings may bear on Applicant's assessment of whether to seek Supreme Court review. Applicant filed a request for *ex parte* reexamination of the '825 patent on March 25, 2026. *See* PTO Control No. 90/016,091. Under 35 U.S.C. § 303(a), the PTO must decide by June 25, 2026 whether that request raises a substantial new question of patentability. The parallel district court case is currently stayed, but Interstellar has filed a motion to lift the stay, which remains pending. These developments may affect Applicant's assessment of whether a petition is warranted.

5. The requested extension of time is further warranted in light of conflicting professional obligations of Applicant's counsel in other cases. Counsel for Applicant, Igor V. Timofeyev, had oral argument before the United States Court of Appeals for the Second Circuit in *Petróleos De Venezuela, S.A. v. MUFG Union Bank*, No. 25-2652, on May 14, 2026, and has a response brief before the United States Court of Appeals for the Federal Circuit in *The Johns Hopkins University v. Merck Sharp & Dohme LLC*, No. 26-1020, due on June 15, 2026. Those obligations

have limited counsel's ability to complete the analysis and preparation necessary for a petition for a writ of certiorari by the current May 26 deadline.

In view of those considerations, Kahoot! AS respectfully requests an extension of 60 days, to and including July 25, 2026, within which to file a petition for a writ of certiorari.

May 15, 2026

Respectfully submitted,

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